

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: EC /

UNITED STATES OF AMERICA,

Plaintiff,

No.

1:09-cr-202

vs.

Hon.

Janet T. Neff
U.S. District Judge

NEHEMIAH T. MUZAMHINDO,
TICHAONA MACHAMIRE and
SABINA BRAND,

Defendants.

INDICTMENT

_____/

The Grand Jury charges:

COUNT 1

Between in or about May, 2006 and May, 2008, in the Southern Division of the
Western District of Michigan and elsewhere,

NEHEMIAH T. MUZAMHINDO,
TICHAONA MACHAMIRE and
SABINA BRAND

did conspire with each other to commit offenses against the United States, and members
of the conspiracy engaged in actions to effect the object of the conspiracy. Specifically,
the defendants agreed to commit acts which constituted wire fraud in violation of 18
U.S.C. § 1343 and money laundering in violation of 18 U.S.C. § 1956.

OBJECT OF THE CONSPIRACY

The object of the defendants' conspiracy was to fraudulently obtain funds from
the W. K. Kellogg Foundation ("WKK"), an international charitable foundation which
promotes child welfare, to enrich themselves.

MANNER AND MEANS OF THE CONSPIRACY

The defendants accomplished the object of the conspiracy by presenting the W. K. Kellogg Foundation, a charitable organization, with fraudulent invoices for payment. The invoices were fraudulent in that they claimed reimbursement for services not actually performed. Furthermore, the invoices bore the names of business entities created by conspirators NEHEMIAH T. MUZAMHINDO, TICHAONA MACHAMIRE and SABINA BRAND, with names that were intentionally similar to organizations that had legitimate contractual relations with WKK. The sole purpose for creating these business entities was to open bank accounts to receive payments from WKK after the organization received fraudulent invoices. The bogus business entities were WORLD OF WORK CONSULTING, WORLDWORKS CONSULTING, INC., SUCCESS UNLIMITED, MELLENIUM 2000, HERMMAN PRIVATE LTD., and MANINGA CENTER.

Coconspirator SABINA BRAND was the Finance Specialist at the WKK office located in Pretoria, South Africa. She created the phony invoices and approved them for payment by WKK. Thereafter, she arranged for WKK funds to be wired from WKK's South Africa bank account to bank accounts opened in the name of the bogus business entities by NEHEMIAH T. MUZAMHINDO and TICHAONA MACHAMIRE in the Western District of Michigan. These funds totaled approximately \$800,000.

Coconspirators NEHEMIAH T. MUZAMHINDO and TICHAONA MACHAMIRE shared this money with SABINA BRAND. After receiving funds from

WKK's account as described above, NEHEMIAH T. MUZAMHINDO and TICHAONA MACHAMIRE wired a portion of the funds to bank accounts held by SABINA BRAND, or to accounts held by others at her direction and for her benefit. In this manner, the defendants were able to conceal the fact that BRAND was receiving WKK funds for her own benefit.

NEHEMIAH T. MUZAMHINDO and TICHAONA MACHAMIRE shared with each other the money sent to the accounts opened in the name of WORLDWORKS CONSULTING, INC. They did not share with each other the money sent to the other businesses created by each of them.

OVERT ACTS

Some of the overt acts engaged in by members of this conspiracy to effect its objects include the following:

1. On or about May 9, 2006, in Berrien County, Michigan, NEHEMIAH T. MUZAMHINDO and TICHAONA MACHAMIRE filed a certificate of assumed name for WORLD OF WORK CONSULTING.
2. On or about May 9, 2006, NEHEMIAH T. MUZAMHINDO opened checking account number 717367403 at JP Morgan Chase Bank, in the name of WORLD OF WORK CONSULTING.
3. On or about July 11, 2006, NEHEMIAH T. MUZAMHINDO filed articles of incorporation for WORLDWORKS CONSULTING, INC.
4. On or about September 6, 2006, in Kent County, Michigan, NEHEMIAH T.

MUZAMHINDO opened savings account number 2722704810 at JP Morgan Chase Bank in the name of WORLDWORKS CONSULTING, INC.

5. On or about September 6, 2006, in Kent County, Michigan, NEHEMIAH T. MUZAMHINDO opened checking account number 718477631 at JP Morgan Chase Bank in the name of WORLDWORKS CONSULTING, INC.

6. On or about September 9, 2006, NEHEMIAH T. MUZAMHINDO added TICHAONA MACHAMIRE as a signer to WORLDWORKS CONSULTING, INC. checking account number 718477631 and savings account number 2722704810, held at JP Morgan Chase Bank.

7. On or about May 10, 2007, in Kent County, Michigan, NEHEMIAH T. MUZAMHINDO filed a certificate of assumed name for SURE MELLENIUM 2000.

8. On or about May 10, 2007, in Kent County, Michigan, NEHEMIAH T. MUZAMHINDO opened savings account number 2736183514 at JP Morgan Chase Bank, in the name of SURE MELLENIUM 2000.

9. On or about May 10, 2007, in Kent County, Michigan, NEHEMIAH T. MUZAMHINDO opened checking account number 735762676 at JP Morgan Chase Bank, in the name of SURE MELLENIUM 2000.

10. On or about December 11, 2007, in Kent County, Michigan, NEHEMIAH T. MUZAMHINDO filed a certificate of assumed name for SUCCESS UNLIMITED.

11. On or about December 11, 2007, in Kent County, Michigan, NEHEMIAH T. MUZAMHINDO opened checking account number 01153049344 at Huntington

Bank, in the name of SUCCESS UNLIMITED.

12. On or about April 7, 2008 in Kent County, Michigan, TICHANA MACHAMIRE filed a certificate of assumed name for HERMMAN PRIVATE LTD.

13. On or about April 8, 2008, in Kent County, Michigan, TICHANA MACHAMIRE opened checking account number 986202257 at National City Bank in the name of HERMMAN PRIVATE LTD.

14. On or about April 4, 2008, TICHANA MACHAMIRE filed a certificate of assumed name for MANINGA CENTER in Berrien County, Michigan.

15. On or about April 4, 2008, TICHANA MACHAMIRE opened checking account number 3469172351 at Wells Fargo Bank in the name of MANINGA CENTER.

16. On or about April 4, 2008, in Berrien County, Michigan, TICHANA MACHAMIRE filed a certificate of assumed name for SUCCESS UNLIMITED.

17. On or about April 4, 2008, TICHANA MACHAMIRE opened checking account number 5406127604 at LaSalle Bank Midwest in the name of SUCCESS UNLIMITED.

18. On or about May 24, 2006, SABINA BRAND wired \$55,000 from a WKK account in South Africa to WORLD OF WORK CONSULTING account 717367403 at JP Morgan Chase Bank.

19. Between June 12 and September 14, 2006, NEHEMIAH T. MUZAMHINDO wired \$33,256 from JP Morgan Chase Bank accounts 717367403 and 718477631 to bank accounts controlled by or benefitting SABINA BRAND in South

Africa.

20. On or about September 18, 2006, SABINA BRAND wired \$51,200 from a WKK account in South Africa to WORLD OF WORK CONSULTING account 717367403 at JP Morgan Chase Bank.

21. Between October 10 and November 27, 2006, NEHEMIAH T. MUZAMHINDO wired \$25,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from JP Morgan Chase Bank accounts 718477631 and 2722704810.

22. On or about November 28, 2006, SABINA BRAND wired \$57,500 from a WKK account in South Africa to WORLDWORKS CONSULTING, INC. account 2722704810 at JP Morgan Chase Bank.

23. Between December 4, 2006 and January 2, 2007, NEHEMIAH T. MUZAMHINDO wired \$27,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from JP Morgan Chase Bank account 2722704810.

24. On or about January 5, 2007, SABINA BRAND wired \$53,500 from a WKK account in South Africa to WORLDWORKS CONSULTING, INC. account 2722704810 at JP Morgan Chase Bank.

25. On or about January 24, 2007, NEHEMIAH T. MUZAMHINDO wired \$25,777.97 from JP Morgan Chase Bank account 2722704810 to bank accounts controlled by or benefitting SABINA BRAND in South Africa.

26. On or about January 25, 2007, SABINA BRAND wired \$53,500 from a WKK account in South Africa to WORLDWORKS CONSULTING, INC. account 2722704810 at JP Morgan Chase Bank.

27. Between January 26 and April 3, 2007, NEHEMIAH T. MUZAMHINDO wired \$93,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from JP Morgan Chase Bank accounts 718477631 and 2722704810.

28. On or about April 3, 2007, SABINA BRAND wired \$43,200 from a WKK account in South Africa to WORLDWORKS CONSULTING, INC. account 2722704810 at JP Morgan Chase Bank.

29. On or about April 27, 2007, NEHEMIAH T. MUZAMHINDO wired \$3,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from JP Morgan Chase Bank account 2722704810.

30. On or about May 16, 2007, SABINA BRAND wired \$53,475 from a WKK account in South Africa to WORLDWORKS CONSULTING, INC. account 2722704810 at JP Morgan Chase Bank.

31. On or about May 17, 2007, NEHEMIAH T. MUZAMHINDO wired \$30,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from JP Morgan Chase Bank account 718477631.

32. On or about May 29, 2007, SABINA BRAND wired \$54,900 from a WKK account in South Africa to SURE MELLENIUM 2000 account 2736183514 at JP Morgan

Chase Bank.

33. On or about June 6, 2007, NEHEMIAH T. MUZAMHINDO wired \$15,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from JP Morgan Chase Bank account 735762676.

34. On or about June 28, 2007, SABINA BRAND wired \$48,789.16 from a WKK account in South Africa to SURE MELLENIUM 2000 account 2736183514 at JP Morgan Chase Bank.

35. On or about June 29, 2007, SABINA BRAND wired \$49,635.63 from a WKK account in South Africa to WORLDWORKS CONSULTING, INC., account 2722704810 at JP Morgan Chase Bank.

36. Between July 3 and July 12, 2007, NEHEMIAH T. MUZAMHINDO wired \$35,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from JP Morgan Chase Bank accounts 718477631 and 2736183514.

37. On or about December 18, 2007, SABINA BRAND wired \$49,975 from a WKK account in South Africa to SUCCESS UNLIMITED account 01153049344 at Huntington Bank.

38. Between December 21, 2007 and January 24, 2008, NEHEMIAH T. MUZAMHINDO wired \$35,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from Huntington Bank account 01153049344.

39. On or about February 25, 2008, SABINA BRAND wired \$58,875 from a WKK account in South Africa to SUCCESS UNLIMITED account 01153049344 at Huntington Bank.

40. Between February 28 and March 7, 2008, NEHEMIAH T. MUZAMHINDO wired \$28,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from Huntington Bank account 01153049344.

41. On or about April 11, 2008, SABINA BRAND wired \$59,975 from a WKK account in South Africa to HERMMAN PRIVATE LTD. account 986202257 at National City Bank.

42. On or about April 14, 2008, SABINA BRAND wired \$63,225 from a WKK account in South Africa to MANINGA CENTER account 3469172351 at Wells Fargo Bank.

43. Between April 18 and May 6, 2008, TICHAONA MACHAMIRE wired \$60,000 to bank accounts controlled by or benefitting SABINA BRAND in South Africa. These funds were wired from Wells Fargo Bank account 3469172351 and National City Bank account 986202257.

44. On or about May 19, 2008, SABINA BRAND wired \$44,975 from a WKK account in South Africa to SUCCESS UNLIMITED account 5406127604 at LaSalle Bank Midwest.

18 U.S.C. § 371
18 U.S.C. § 1343
18 U.S.C. § 1956

COUNT 2
(Wire Fraud)

On or about May 24, 2006, in Kent County, in the Southern Division of the Western District of Michigan and elsewhere,

**NEHEMIAH T. MUZAMHINDO and
SABINA BRAND,**

having devised a scheme and artifice to defraud, and for obtaining money by false and fraudulent pretenses, representations and promises, did cause signs, sounds and signals to be transmitted by wire in interstate commerce for the purpose of executing the scheme.

THE SCHEME TO DEFRAUD

The activities detailed in Count 1 of this Indictment are re-alleged and incorporated here by reference. The defendants' scheme to defraud related to their dealings with the W.K. Kellogg Foundation ("WKK"), an international charitable foundation which promotes child welfare. The defendants submitted bogus invoices to WKK for payment using various shell companies created by them, with names intentionally selected to match or be similar to businesses in South Africa which had legitimate contractual relationships with WKK. WKK approved payment of the defendants' bogus invoices because it believed that they were for legitimate work actually performed in Africa in furtherance of its charitable activities there. This fraudulent activity, which began in or about May, 2006 and lasted until in or about May, 2008, resulted in losses to WKK of approximately \$800,000.

USE OF INTERSTATE WIRES TO EXECUTE THE SCHEME

The goal of the fraudulent scheme was to enrich the defendants. Every time a bogus invoice was approved for payment, the payment was wired from WKK's bank account in South Africa to a bank account set up by the defendants for the shell company used to submit the bogus invoice. On or about May 24, 2006, SABINA BRAND caused the sum of \$55,000 to be wired from South Africa to WORLD OF WORK CONSULTING account 717367403 at JP Morgan Chase Bank, controlled by NEHEMIAH T. MUZAMHINDO .

18 U.S.C. § 1343

18 U.S.C. § 2

COUNT 3
(Money Laundering)

On or about June 12, 2006, in the Southern Division of the Western District of Michigan, and elsewhere,

**NEHEMIAH T. MUZAMHINDO and
SABINA BRAND**

did conduct a financial transaction affecting interstate commerce, involving the proceeds of a specified unlawful activity, knowing that the transaction was designed in whole and in part to conceal and disguise the location, source, ownership and control of those proceeds and knowing that the proceeds were the result of some form of unlawful activity. Specifically, NEHEMIAH T. MUZAMHINDO wired the sum of \$6,921, from his World of Work Consulting account at JP Morgan Chase Bank, to Nedbank account 1602278504 for the benefit of SABINA BRAND. At the time this wire transfer occurred, the defendants knew that the funds were the result of wire fraud as described in Counts 1 and 2 of this Indictment, incorporated here by reference.

18 U.S.C. § 1956(a)(1)(B)(i)
18 U.S.C. § 2

COUNT 4
(Wire Fraud)

On or about April 14, 2008, in Kent County in the Southern Division of the Western District of Michigan and elsewhere,

**TICHAONA MACHAMIRE and
SABINA BRAND,**

having devised a scheme and artifice to defraud, and for obtaining money by false and fraudulent pretenses, representations and promises, did cause signs, sounds and signals to be transmitted by wire in interstate commerce for the purpose of executing the scheme.

THE SCHEME TO DEFRAUD

The activities detailed in Count 1 of this indictment are re-alleged and incorporated here by reference. The defendants' scheme to defraud related to their dealings with the W.K. Kellogg Foundation ("WKK"), an international charitable foundation which promotes child welfare. The defendants submitted bogus invoices to WKK for payment using various shell companies created by them, with names intentionally selected to match or be similar to businesses in South Africa which had legitimate contractual relationships with WKK. WKK approved payment of the defendant's bogus invoices because it believed that they were for legitimate work actually performed in Africa in furtherance of its charitable activities there. This fraudulent activity, which began in or about May, 2006 and lasted until in or about May, 2008, resulted in losses to WKK of approximately \$800,000.

USE OF INTERSTATE WIRES TO EXECUTE THE SCHEME

The goal of the fraudulent scheme was to enrich the defendants. Every time a bogus invoice was approved for payment, the payment was wired from WKK's bank account in South Africa to a bank account set up by the defendants for the shell company used to submit the bogus invoice. On or about April 14, 2008, SABINA BRAND caused the sum of \$63,225 to be wired from South Africa to MANINGA CENTER account 3469172351 at Wells Fargo Bank, controlled by TICHONA MACHAMIRE.

18 U.S.C. § 1343

18 U.S.C. § 2

COUNT 5
(Money Laundering)

On or about April 18, 2008, in the Southern Division of the Western District of Michigan, and elsewhere,

**TICHAONA MACHAMIRE and
SABINA BRAND,**

did conduct a financial transaction affecting interstate commerce, involving the proceeds of a specified unlawful activity, knowing that the transaction was designed in whole and in part to conceal and disguise the location, source, ownership and control of those proceeds and knowing that the proceeds were the result of some form of unlawful activity. Specifically, TICHAONA MACHAMIRE wired the sum of \$20,000, from his HERMMAN PRIVATE LTD., account at National City Bank, to Standard Bank South Africa account 012755664 for the benefit of SABINA BRAND. At the time this wire transfer occurred, the defendants knew that the funds were the result of wire fraud in as described in Counts 1 and 4 of this Indictment, incorporated here by reference.

18 U.S.C. § 1956(a)(1)(B)(i)
18 U.S.C. § 2

**Forfeiture Allegation
(Wire Fraud)**

The allegations contained in Counts 1, 2 and 4 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Upon conviction of one or more of the conspiracy to commit wire fraud and/or wire fraud offenses set forth in Count 1, 2 and/or 4 of this Indictment, the defendants,

**NEHEMIAH T. MUZAMHINDO,
TICHAONA MACHAMIRE and
SABINA BRAND,**

shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the offense(s). The property includes but is not limited to the following:

1. MONEY JUDGMENT: a sum of money equal to \$800,000.00 in United States currency, representing the amount of property which constitutes or is derived from proceeds obtained directly or indirectly as a result of the conspiracy to commit wire fraud and/or wire fraud offenses, for which the defendants are jointly and severally liable; and

2. SUBSTITUTE ASSETS: Pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), if any of the above-described property subject to forfeiture, as a result of any act or omission of any defendant,

(a) cannot be located upon the exercise of due diligence;

- (b) has been transferred, sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property of the defendants up to the value of the property described above.

18 U.S.C. § 981(a)(1)(C)

28 U.S.C. § 2461

18 U.S.C. § 371

18 U.S.C. § 1343

18 U.S.C. § 982(b)

21 U.S.C. § 853(p)

**Forfeiture Allegation
(Money Laundering)**

The allegations contained in Counts 1, 3 and 5 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(1).

Upon conviction of one or more of the conspiracy to commit money laundering and/or money laundering offenses set forth in Count 1, 3 and 5 of this Indictment, the defendants,

**NEHEMIAH T. MUZAMHINDO,
TICHAONA MACHAMIRE and
SABINA BRAND,**

shall forfeit to the United States any property, real or personal, involved in such offense(s), and any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

1. MONEY JUDGMENT: a sum of money equal to \$800,000.00 in United States currency, representing the amount of property involved in a conspiracy to commit money laundering and/or money laundering offenses;
2. SUBSTITUTE ASSETS: Pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), if any of the above-described property subject to forfeiture, as a result of any act or omission of any defendant,
 - (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred, sold to, or deposited with a third party;
 - (c) has been placed beyond the jurisdiction of the court;

- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property of the defendants up to the value of the property described above.

18 U.S.C. § 982(a)(1)

18 U.S.C. § 371

18 U.S.C. § 1956

21 U.S.C. § 982(b)

21 U.S.C. § 853(p)

A TRUE BILL



GRAND JURY FOREPERSON

DONALD A. DAVIS
United States Attorney



TIMOTHY P. VERHEY
Assistant United States Attorney